

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 DPW-01 IO-12 AID-20 OMB-01

CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10

PA-03 RSC-01 PRS-01 SS-15 USIA-12 RSR-01 SR-02 ORM-03

/144 W

----- 086602

R 170457 Z MAY 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 9247

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 4018

E. O. 11652: GDS

TAGS: PFOR PK IN BG

SUBJECT: INDO/PAK/ BANGLADESH RELATIONS: GOP VIEWS

SUMMARY: ACCORDING FOREIGN MINISTRY DIRGEN FOR SOUTH ASIA, INDIANS HAVE MISINTERPRETED GOP RESPONSE TO INDO/ BANGLADESH APRIL 17 DECLARATION. ALTHOUGH MAINTAINING PUBLIC POSITION THAT GOI HAD NO RIGHT IMPOSE CONDITIONS ON RETURN OF POWS, PAKS IN LETTER FROM MINISTER AZIZ AHMED TO FONMIN SWARAN SINGH EXPRESSED WILLINGNESS TO DISCUSS OTHER " RELATED MATTERS" IN ADDITION TO POWS. SWARAN SINGH'S REPLY, HOWEVER, ACCUSED PAKS OF REJECTING DISCUSSION OF ANY ISSUES OTHER THAN POWS. PAKS INTEND CLARIFY THIS POINT IN MESSAGE WHICH WILL BE SENT IN FEW DAYS. GOP MAY 11 APPLICATION TO ICJ, ACCORDING DIRGEN, WAS MOTIVATED BY PAK FEELING THAT GOI AND EVEN BDG MIGHT

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WELCOME SUCH WAY TO AVOID WAR CRIMES TRIALS. GOP CALCULATED THAT REFERRING MATTER TO ICJ WOULD OFFER THEM GRACEFUL WAY TO BACK DOWN ON TRIALS. CHARGE EXPRESSED CONCERN OVER GOP ROUNDUP AND DETENTION OF RESIDENT BENGALLEEE. END SUMMARY.

1. CHARGE, ACCOMPANIED BY POL COUNSELOR, CALLED ON ABDUL SATTAR, MFA DIRGEN FOR SOUTH ASIA, MAY 16 TO ELICIT GOP VIEWS ON CURRENT STATE OF PLAY IN SUB-CONTINENT.

2. SATTAR RECALLED THAT PAKISTAN HAD PROMPTLY REPLIED TO INDIA/ BANGLADESH APRIL 17 OFFER AT SEVERAL LEVELS. IN ADDITION TO PUBLIC STATEMENT OF APRIL 20, PRIVATE LETTER FROM MINISTER OF STATE AZIZ AHMED HAD BEEN SENT TO FONMIN SWARAN SINGH APRIL 23 WHICH PAKS INTENDED TO BE CONSIDERABLY MORE FORTHCOMING THAN PUBLIC STATEMENT. IN THAT LETTER, GOP HAD REITERATED INVITATION TO DISCUSS APRIL 17 DECLARATION. UNLIKE GOP PUBLIC RESPONSE, WHICH DELIBERATELY AVOIDED ANY REFERENCE TO BANGLADESH AS SUCH, AHMED LETTER HAD RECOGNIZED BILATERAL CHARACTER OF APRIL 17 STATEMENT BY REFERRING TO IT AS " INDIA-BANGLADESH STATEMENT" RATHER THAN " DELHI STATEMENT" AS USED IN PUBLIC RESPONSE. LETTER ALSO EXPRESSED GOP WILLINGNESS TO DISCUSS REPATRIATION POWS " AND RELATED MATTERS" RATHER THAN CONFINING PROPOSED TALKS TO POWS. SAME DAY, AHMED HAD APPEARED ON TV WITH " CONCILIATORY" STATEMENT WELCOMING GOI- BDG INITIATIVE (ISLAMABAD 3294).

3. SWARAN SINGH' S RESPONSE TO AHMED LETTER, RECEIVED BY GOP ON MAY 9, TOOK DISTINCTLY " HARD LINE", SATTAR CONTINUED. FONMIN HAD SAID THAT INDIANS WERE " DIS-APPOINTED AT PAKISTAN' S RESPONSE" TO APRIL 17 OFFER. HE HAD COMPLAINED THAT, WHILE INDIA AND BANGLADESH HAD SET ASIDE LEGALISTIC ARGUMENTATION IN THEIR APRIL 17 OFFER, PAK REPLY HAD BEEN DOMINATED BY LEGALISTIC ARGUMENT. FONMIN HAD CHARGED THAT AHMED LETTER REPRESENTED GOP REJECTION OF APRIL 17 OFFER IN THAT PAKS HAD EXPRESSED WILLINGNESS TO DISCUSS ONLY POW REPATRIATION. HE HAD CONCLUDED BY STATING THAT GOI

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WAS PREPARED TO OPEN DISCUSSIONS WITH GOP ONLY IF LATTER INDICATED " AGREEMENT IN PRINCIPLE TO SOLUTION SET OUT IN PARAGRAPH FIVE OF DECLARATION", I. E ., SIMULTANEOUS EXCHANGES OF POWS, BENGALLEES IN PAKISTAN, AND BIHARIS. GOP WAS CONSIDERING SWARAN SINGH LETTER, SATTAR SAID, AND WOULD BE SENDING REPLY IN FEW DAYS. THAT WAS WHERE MATTER STOOD AT PRESENT.

4. POL COUNSELOR INQUIRED ABOUT GOP PUBLIC STATEMENT MAY 11 TERMING APRIL 17 OFFER " PROPAGANDA PLOY" (ISLAMABAD 3901). SATTAR, SHOWING SOME OBVIOUS EMBARRASSMENT, SAID GOP HAD RESPONDED SHARPLY BECAUSE PAKS WERE UNHAPPY THAT SWARAN SINGH HAD MADE PUBLIC HIS REPLY TO AHMED LETTER DESPITE FACT PAKS HAD NEVER PUBLICLY REVEALED DESPATCH OF THAT LETTER. STATEMENT ADMITTEDLY WAS NOT HELPFUL, SATTAR SAID, AND " WE IN MFA WERE NOT HAPPY WITH IT". HE INDICATED THAT IT SHOULD NOT BE TAKEN AS GOP RESPONSE TO SWARAN SINGH LETTER.

5. CHARGE ASKED WHETHER IT WOULD BE CORRECT TO SPECULATE THAT SWARAN SINGH HAD MISINTERPRETED GOP MULTI- CHANNEL RESPONSE TO APRIL 17 DECLARATION. SATTAR REPLIED THAT THIS WAS INDEED THE CASE. GOP WOULD MAKE CLEAR IN FORTHCOMING REPLY THAT PAKS WERE PREPARED TALK ABOUT OTHER ISSUES IN ADDITION TO POWS, ALTHOUGH CONTINUING TO REJECT GOI DEMAND THAT IT ACCEPT IN ADVANCE PRINCIPLES SET FORTH IN APRIL 17 STATEMENT. GOP WOULD, IN FACT, WELCOME OPPORTUNITY TO " EXPLAIN" ITS POSITION ON WAR CRIMES TRIALS AND ON " EXPULSION" OF BIHARIS FROM BANGLADESH IN TALKS WITH INDIANS.

6. CHARGE INQUIRED HOW GOP MAY 11 APPLICATION TO ICJ FITTED INTO PICTURE. SATTAR EXPLAINED THAT DECISION TO TAKE CASE TO ICJ WAS MADE BY CABINET ON MAY 10 ONLY FEW HOURS BEFORE BHUTTO' S DEPARTURE FOR TEHRAN. ATTORNEY GENERAL HAD FLOWN TO THE HAGUE SAME NIGHT AND PRESENTED APPLICATION TO ICJ FOLLOWING DAY.

7. GOP FELT THAT THIS APPEAL TO ICJ COULD GO LONG WAY TO RESOLVE PRESENT IMPASSE BY " TAKING EVERYONE CONFIDENTIAL

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OFF THE HOOK", SATTAR SAID, HE EXPLAINED THAT GOP HAS RECEIVED INDICATIONS FROM DELHI THAT INDIANS WERE NOT HAPPY WITH BDG DECISION PROCEED WITH WAR CRIMES TRIALS AND WOULD WELCOME WAY TO HEAD THEM OFF IF IT COULD BE DONE WITHOUT OFFENSE TO BDG. PAKS HAD ALSO HEARD THAT BANGLADESH LEADERSHIP, ALTHOUGH PUBLICLY COMMITTED TO TRIALS, DID NOT REALLY FAVOR THEM. (CHARGE COMMENTED THAT THIS DID NOT SQUARE WITH OUR READING OF MOOD IN DACCA.)

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INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 DPW-01 RSR-01 AID-20 OMB-01 SR-02 ORM-03 /144 W
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R 170457 Z MAY 73
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8. ASSUMING THAT GOI AND EVEN BDG WOULD PREFER NOT TO PROCEED WITH TRIALS, SATTAR CONTINUED, REFERRAL TO ICJ WOULD GIVEN THEM EXCUSE FIRST TO PUT THEM OFF AND THEN, ASSUMING ICJ DECISION FAVORABLE TO PAKISTAN, TO DROP THEM ENTIRELY. PAKS THUS HOPED THEIR ACTION WOULD BE SEEN AS " HELPFUL" MOVE BY ALL THREE PARTIES.

9. CHARGE WONDERED WHETHER PAKS HAD CONSIDERED ALL IMPLICATIONS OF THIS MOVE. SUPPOSE , FOR EXAMPLE, ICJ FOUND THAT TRIALS WERE LEGAL? SATTAR RESPONDED CAUTIOUSLY THAT " IT COULD BE ASSUMED" PAKS RECOGNIZED ALL IMPLICATIONS. IF COURT RULED AGAINST THEM, HE SAID, " WE WILL PROBABLY HAVE TO ACCEPT THE RULING". OBSERVING THAT SOME ICJ CASES TENDED RUN ON FOR YEARS, POL COUNSELOR INQUIRED WHETHER NEGOTIATING PROCESS MIGHT NOT BE GREATLY DELAYED BY GOP MOVE. SATTAR THOUGHT THERE WAS GOOD CHANCE ICJ COULD REACH OVERALL DECISION IN " FIVE OR SIX MONTHS". MEANWHILE, THERE WAS NO REASON WHY POLITICAL TALKS COULD NOT PROCEED.
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WHAT PAKS FEARED WAS THAT BANGLADESH THREAT TO BEGIN TRIALS IN LATE MAY WOULD DERAIL TALKS. GOP APPEAL TO ICJ FOR INTERIM FREEZE ON SITUATION WAS DESIGNED

HEAD OFF THIS POSSIBILITY BY GIVING BDG OPPORTUNITY
TO BACK DOWN GRACEFULLY IN RESPONSE ICJ REQUEST.

10. CHARGE THEN SAID HE WOULD LIKE TO MENTION ON
PURELY PERSONAL BASIS GOP ROUNDUP OF BENGALI SENIOR
EX- OFFICIALS ON EVENING OF MAY 5-6 AND THEIR DETENTION
IN SEVERAL CAMPS. HE ASSUMED MOVE HAD BEEN MADE IN
ORDER ASSURE GOP WOULD HAVE HOSTAGES FOR POSSIBLE TRIAL
IF BDG PROCEEDED WITH WAR CRIMES TRIALS. WHATEVER
ITS PURPOSES, CHARGE EXPRESSED HIS PERSONAL VIEW
THAT, ALTHOUGH IT MIGHT BE OF SOME HELP DOMESTICALLY
TO GOP, THIS MOVE WOULD TEND TO UNDERCUT WORLD SYMPATHY
FOR PAKISTAN' S CASE ON POW' S. HE THOUGHT IT WOULD
BE DIFFICULT TO COME UP WITH CASE AGAINST BIHARIS
THAT WOULD BE CREDIBLE IN INTERNATIONAL EYES AT THIS
TIME. SATTAR MADE NO DIRECT COMMENT BUT ACKNOWLEDGED
THAT TWO WRONGS DID NOT NECESSARILY MAKE A RIGHT.
SOBER

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*** Current Classification *** CONFIDENTIAL

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